

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2010-054914

05/23/2011

HONORABLE LINDA H. MILES

CLERK OF THE COURT  
L. Carlson  
Deputy

GEORGE L BRADBURY IV, et al.

LAWRENCE F SCARINGELLI

v.

CRUNCHKINS INC

RICHARD L KLAUER

MINUTE ENTRY

Prior to the commencement of Evidentiary Hearing, Plaintiffs' exhibits 1-3, and Defendant's exhibits 4-30, are marked for identification.

Prior to the commencement of Evidentiary Hearing, the Court met with Plaintiffs' counsel, Lawrence Scaringelli, and Defendant's counsel, Richard Klauer, in chambers. While in chambers, Plaintiffs counsel raised new arguments in support of Plaintiffs' request that the Motion to Dismiss be denied. Plaintiffs argue that the Notice of Appearance filed by Defendant is a general appearance as opposed to a special appearance, and that Defendant's representatives' appearance in court today constitutes submission to the jurisdiction of the Court. The Court will allow the parties to brief these issues if they wish to do so, but briefing may not be necessary depending on the outcome of today's Evidentiary Hearing. This matter will be discussed further at the conclusion of the hearing today.

1:46 p.m. This is the time set for Evidentiary Hearing regarding Defendant's Motion to Dismiss. The Court has reviewed the Joint Pre-Hearing Statement, the Motion to Dismiss, and the Response and Reply filed in support of the Motion. Counsel, Lawrence Scaringelli, is present

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2010-054914

05/23/2011

with Plaintiffs George Bradbury, and Rui Zhu, and Defendant's counsel, Richard Klauer, is present with Defendant's representatives, Stephen Hoy and Christine Hoy.

Matters are discussed.

George Bradbury, Rui Zhu, John Zugec, Stephen Hoy, and Christine Hoy, are sworn.

Pursuant to stipulation, Plaintiff's exhibits 1-3 are received in evidence.

Opening statements are waived.

Plaintiffs' case:

John Zugec, having been previously sworn, testifies.

The witness is excused.

George Bradbury, having been previously sworn, testifies.

Plaintiffs rest.

Defendant's case:

Stephen Hoy, having been previously sworn, testifies.

Defendant's exhibits 5, 6, 7, and 9, are received in evidence.

Defendant's exhibits 24, 25, and 26, are received in evidence.

Defendant rests.

Closing statements.

IT IS ORDERED releasing to Defendant's counsel those exhibits not received in evidence.

ISSUED: Exhibit Release Form

Discussion is held regarding the new arguments raised by Plaintiffs during the conference held in chambers prior to the Evidentiary Hearing.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2010-054914

05/23/2011

Counsel do not wish to brief the matter, but ask that the Court take the matter under consideration.

IT IS ORDERED taking this matter under advisement pending the Court's review of the exhibits received in evidence.

FILED: Hearing Worksheet

3:46 p.m. Matter concludes.

ALERT: eFiling through AZTurboCourt.gov is mandatory in civil cases for attorney-filed documents effective May 1, 2011. See Arizona Supreme Court Administrative Orders 2010-117 and 2011-010. The Court may impose sanctions against counsel to ensure compliance with this requirement after May 1, 2011.